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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2614

6

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding:

Office Action Summary

Application No.

09/677,565

Applicant(s)

ARSENAULT ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Miscellaneous

1. Please note that the examiner of record for the prosecution of this application has changed.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. Updated status of all co-pending applications is further required as appropriate (Page 1, Lines 5-22).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 116 (Figure 1); 412, 414, 416 (Figure 4A); 520 (Figure 5); 718 (Figure 7); 1026, 1032 (Figure 10C); 1210, 1212 (Figure 12B); 1306, 1308 (Figure 13). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Response to Arguments

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5. Applicant's arguments filed 28 January 2004 with respect to the rejection of claims 1, 8, and 12 have been fully considered but they are not persuasive.

With respect to the current examiner's interpretation of the previous examiner's grounds of rejection in light of the reference, it appears that the claimed step of "receiving a first program guide information . . ." is met wherein the reference discloses that it is operable to receive guide information from a plurality of sources (Col 4, Lines 50-66) which is subsequently stored in a database (Figure 4). The received information comprises a "default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information" [423]. Based on the cited passage, this information appears to be derived from the source [623] as opposed to the device identification [624] referenced by the applicant in conjunction with Figure 7A.

6. Applicant's arguments, filed 28 January 2004, with respect to the rejection(s) of claim(s) 2-6, 9-11, and 13-17 under Wugofski have been fully considered and are persuasive with respect to the reference failing to disclose or suggest the claimed limitations. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is presented as follows.

Claim Objections

7. Claims 6 and 17 are objected to because the recitation of "wherein each of the programs in the first set of programs is associated with a viewer channel" lacks proper antecedent basis in the parent claim. It is suggested that the limitation be amended to read, "wherein each of

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programs in a [the] first set of programs is associated with a viewer channel”. Appropriate correction is required.

8. Claims 6 and 17 are objected to because the phrase “the a first program guide” should be amended to read “the [a] first program guide” in order to properly refer back to the program guide of claims 1 and 12. Appropriate correction is required.

9. Claims 6 and 17 are objected to because the phrase “the step of presenting the first program guide” should be amended to read “the step of generating a first program guide from the first program guide information and presenting the first program guide . . .” in order to properly refer back to the generating/presenting step of claims 1 and 12. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 7 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 18 recites the limitation "the first service network". In particular, it is unclear as to whether “the first service network” is simply one of the “plurality of service networks” or is referencing back to the recitation of “a service network from among the plurality of service networks”. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wugofski (US Pat No. 6,003,041).

As to claims 1 and 12, Wugofski discloses a system for receiving, organizing and presenting program information from a plurality of video service networks. The claimed determination of a “receiver station configuration is met by the reference’s disclosure of determining, adding and deleting input source connections (Col 6, Lines 19-33). The input source connections are uniquely identified (Col 5, Lines 2-14) and displayed according to configuration and sources (Figure 6), as claimed.

As to claim 8, the claimed antenna, converter and tuner for receiving the broadcast program guide information is met by the UHF/VHF antenna and the DBS satellite services and receivers of the reference system (Col 3, Lines 2-13). The claimed unique network identifier is met by the reference’s disclosure of the input source connections unique identification (Col 5, Lines 2-14). The reference also particularly discloses the use of a digital processing system (Col 3, Lines 29-60) capable for determining the receiver configuration (Col 6, Lines 16-32, 50-65) for providing program information to the user.

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14. Claims 1, 4-6, 8, 11, 12, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al. (US Pat No. 6,401,242).

In consideration of claims 1 and 12, the Eyer et al. reference discloses a broadcast system [100] comprising a plurality of service networks such as that associated with satellite distribution or associated with the distribution network of different cable plants each of which “broadcasts a set of programs and program guide information describing at least a portion of the set of programs” (Col 3, Lines 9-35). The embodiment “determines a receiver station configuration” wherein the configuration defines programs and services that are available to the receiver due to operator preference or limited channel capacity associated with a particular cable network (Col 8, Lines 47-56; Col 9, Lines 1-38). Subsequently, the embodiment is operable to “receive a first program guide information at the receiver station” comprising a “default transmitting network identifier value uniquely identifying the service network” such that the program data is associated with either the satellite (global) or a particular cable provider (local). The embodiment is subsequently operable to “generate a first program guide from the first program guide information” and to “present the first program guide information” (Col 9, Lines 53-65) on the basis of a “comparison between the determined receiving station configuration and the default transmitting network identifier” such only program guide information that is applicable to the receiver is retained and displayed (Col 10, Lines 10-32).

Claim 8 is rejected as aforementioned as outlined in the rejection of claims 1 and 12, wherein the “receiver station” [130] comprises an “antenna” [120], a “tuner communicatively coupled to the antenna” [160], and a “processor coupled to the tuner” [165].

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Claims 4, 11, and 15 are rejected wherein the embodiment is operable to “receive a message from the broadcasting system indicating the receiving station configuration” (Col 9, Lines 23-28; Col 22, Lines 24-26).

Claims 5 and 16 are rejected wherein the “determined receiving station configuration” is compared with the “default transmitting identifier” such that the “first program guide” is “presented . . . only if the receiving station configuration indicates that the receiving station is configured to receive signals from the first service network” wherein the “first program guide” and “first service network” correspond to the local or regional cable provider (Figure 4; Col 9, Lines 48-65).

In consideration of claims 6 and 17, the programs within the Eyer et al. reference are associated with a “viewer channel” such as CNN and the “first program guide information further comprises a transmitting network identifier associated with the viewer channel” which defines/identifies a “service network” (Col 7, Lines 16-50) such as cable or satellite. The embodiment in “presenting the first program guide” subsequently, “compares the determined receiving station configuration” to both the “default transmitting network identifier” associated with the global programming as well as the “transmitting network identifier” in order to “generate” the program guide such that the guide comprises information based on the network that the IRD belongs as well as the channels that the system does not support (Col 2, Lines 55-60).

15. Claims 1, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Arsenault et al. (US Pat No. 6,658,661)

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The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

In consideration of claims 1 and 12, the Arsenault et al. reference discloses a broadcast system (Figure 1) comprising a plurality of service networks associated with a multiple satellites (Col 3, Lines 29-35) which “broadcast a set of programs and program guide information describing at least a portion of the set of programs” (Col 4, Lines 8-59). The embodiment “determines a receiver station configuration” such that receiver [36] determines the particular network group for which it is designated (Col 8, Lines 54-61). Subsequently, the embodiment is operable to “receive a first program guide information at the receiver station” comprising a “default transmitting network identifier value uniquely identifying the service network” or network number that associated with program guide object packet and “generate”/“present” the “first program guide” on the basis of a “comparison” between the “default transmitting network identifier” and that associated with the receiver configuration such that the guide data presented corresponds to the particular broadcast programming (Col 6, Lines 1-53).

Claim 8 is rejected as aforementioned as outlined in the rejection of claims 1 and 12, wherein the “receiver station” (Figure 2) comprises an “antenna” [34], a “tuner

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communicatively coupled to the antenna” [52], and a “processor coupled to the tuner” [58] (Col 5, Lines 53-67).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3, 7, 10, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (US Pat No. 6,401,242).

In consideration of claims 3, 10, and 14, the Eyer et al. reference discloses that the discarded IPG data may correspond to programming services which are not available to the IRD (Col 9, Lines 29-32). The reference, however, does not explicitly disclose nor preclude further “determining a number of converters; and determining the receiving station configuration according to the number of converts”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to do such since it was known in the art that multiple satellite systems typically broadcast a first set of channels for reception by a first converter and a second set of channels for reception by a second converter so as to increase the number of channels offered (ex. Eastman (‘737) – Col 3, Lines 24-35). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to determine the number of converters in a configuration such as that employed by Eyer for the purpose of determining what program services (ex. channels) are

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capable of being supported by the IRD. For example, an embodiment with a single converter may only be operable of receiving/supporting a first set of channels.

In consideration of claims 7 and 18, the Eyer et al. reference implies that the further “comparison between the determined receiver configuration and the default transmitting network identifier indicates that the receiving station is configured to receive signals from the first service network” such that if the embodiment was not operable/authorized to receive programming from associated with any service network then a program guide associated with that service network would not be generated. Accordingly, the “comparison” and “generation” steps are “only performed” presuming the reception of a signal for which the user is operable/authorized to receive.

18. Claims 2, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (US Pat No. 6,401,242) in view of Bennington et al. (US Pat No. 6,418,556).

In consideration of claims 2, 9, and 13, the Eyer et al. reference discloses that the discarded IPG data may correspond to programming services which are not available to the IRD due to operator preference (Col 9, Lines 29-32) wherein the particular “receiving station configuration” is “determined” on the basis of that configuration. The reference, however, does not explicitly disclose nor preclude a method by which the user or operator is provided with a means to “select” a particular channel configuration or preference as to the available channels. For example, premium channels may not be available per user/operator preference. The Bennington et al. reference illustrates a method wherein a user of an IPG is “presented a plurality of configurations” or channels for which the user is not subscribed whereupon the embodiment is operable to “accept a selection of configurations from among the plurality of

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presented configurations” (Figure 26; Col 16, Line 66 – Col 17, Line 14). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention so as to provide a means by which a user may “present” and “accept a selection of configurations from among the plurality of presented configurations” via an IPG as suggested by Bennington et al. for the purpose of providing a means by which a user may advantageously subscribe to premium services on an impulse or on-demand basis (Bennington et al.: Col 3, Lines 18-24).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Chaney et al. (US Pat No. 5,515,106) reference discloses a packet audio/video signal transmission system that utilizes a master guide and a special guide so as to minimize the usage of system bandwidth.
- The Chaney et al. (US Pat No. 5,642,153) reference discloses a television system for receiving a plurality of digitally encoded television programs including circuitry for selecting particular digital data transmission channel from a plurality of digital data transmission channels; one of which includes program guide information.
- The Roop et al. (US Pat No. 5,619,274) reference discloses a television schedule information transmission and utilization system wherein a information is

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distributed on a regional basis upon which the transmitting satellites are uniquely identified.

- The Yuen et al. (US Pat No. 6,583,825) reference discloses a method and apparatus for transmitting and downloading setup information wherein a channel map identifier that identifies the source of the television transmission and a geographic identifier accompany each channel map.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB
February 5, 2004


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